

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

DARNELL HICKS,

Plaintiff,

-against-

CAPTAIN ZIMMERMAN, ET AL.,

Defendants.

24-CV-4086 (LTS)

ORDER OF DISMISSAL

LAURA TAYLOR SWAIN, Chief United States District Judge:

By order dated September 13, 2024, the Court directed Plaintiff, within thirty days, to file an amended complaint. That order specified that failure to comply would result in dismissal of the complaint. The clerk's office mailed that order to Plaintiff on September 16, 2024, but it was returned as undeliverable on October 7, 2024. The clerk's office remailed the order on October 8, 2024, and it was not returned. Plaintiff has not filed an amended complaint or otherwise communicated with the Court. Accordingly, this action is dismissed without prejudice. *See* 28 U.S.C. §§ 1914, 1915.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

The Court directs the Clerk of Court to enter judgment in this case.

SO ORDERED.

Dated: December 19, 2024  
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN  
Chief United States District Judge